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Attorney Docket No.: 60188-702
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Akio MISAKA : Customer No.20277
Serial No.: 10/717,598 : Confirmation No.: 8679
Filed: November 21, 2003 : Group Art Unit: 1756
For: PHOTOMASK, PATTERN FORMATION METHOD USING : Examiner: STEPHEN D. ROSASCO
PHOTOMASK AND MASK DATA CREATION METHOD :

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed September 28, 2005, having a shortened statutory period for response set to expire October 28, 2005, wherein the Examiner required restriction between the following Groups:

- Group I - Claims 1-56, drawn to a mask; and
- Group II - Claims 57-65, drawn to a data creation method for creating mask data.

Applicant elects Group I, claims 1-56, for initial prosecution on the merits. Applicant also reserves the right to file a Divisional Application for the non-elected claims 57-65, which the Examiner has indicated is patentably distinct.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 10/27/15

By:



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